

(2) 0-108 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(C.G.)

WRIT PETITION NO. 1786 OF 2004

PETITIONER :

Dr. Zakir Hussain National University , Raipur, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Acting Registrar Mr. Anil kumar Jamwal , S/o Shri S.C. Jamwal , Aged about 27 year , R/o. P/1 . Priyadarshini Nagar, Ring Road, Raipur, (Chhattisgarh)

P. R. No. 1807/04
Presented by Shri Sameer Behar
dated 29.10.04

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through: Secretary,
Department of Higher Education,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.).
2. Regulatory Commission, Constituted
under the Chhattisgarh Nizi Kshetra
Vishwa Vidyalaya (Sthapana Aur
Viniyaman) Adhiniyam, 2002 (No.2
of 2002), C/o Secretary, Department
of Higher Education, Mantralaya,
D.K.S. Bhawan, Raipur (C.G.).
3. University Grants Commission,
Through: Its Chairman, Bahadur Shah
Zafar Marg, New Delhi.
4. All India Council of Technical
Education, Indira Gandhi Sports
Complex, I.P. Estate, New Delhi-
110002.

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29/10/04
Clerk to A. G. Bilaspur



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- (4)
5. Medical Council of India, Through:
Its Secretary, Aiwan-E-Galib Marg,
Opp. Mata Sundari College for
Women, New Delhi – 110 002.
 6. Pharmacy Council of India,
Combined Councils Building, Kotla
Road, Aiwan-Galib Marg, P.O. Box
No.7020, New Delhi – 110 002.
 7. National Council of Teachers
Education, Indira Gandhi Indoor
Stadium, I.P. Estate, New Delhi-
110002.
 8. Nursing Council of India, Kotla Road,
Temple Lane, New Delhi-110002.
 9. Bar Council of India, 21, Institutional
Area, Rouse Avenue,
New Delhi-110002.
 10. Distance Education Council,
Through: Its Director, DEC Building,
IGNOU Campus, Maidan Garhi,
New Delhi-110068.

**WRIT PETITION UNDER ARTICLES 226 / 227 OF THE
CONSTITUTION OF INDIA**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक WPA No. 1786/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>DIVISION BENCH:</u> <u>HON'BLE SHRI A.K. PATNAIK, C.J.</u> <u>& HON'BLE SHRI SUNIL KUMAR SINHA, J.</u> <u>25.06.2005:</u> Heard Mr. S.R.J. Jaiswal, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swarnkar, learned counsel for respondents 3 & 6. In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended. By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist. In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.	
	Sd/- Chief Justice	Sd/- Sunil Kumar Sinha Judge

Subbu

B. P. S.